
OLR Bill Analysis

sHB 5120 (File 380, as amended by House "A")*

AN ACT CONCERNING HUNTING AND FISHING LICENSES, IMPROVING SAFE HUNTING EDUCATION, AMENDING DEFINITIONS FOR THE WILDLIFE DIVISION OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND ESTABLISHING A TASK FORCE TO STUDY WHETHER TO TRANSFER THE CONSERVATION FUNCTIONS OF SAID DEPARTMENT TO THE DEPARTMENT OF AGRICULTURE.

SUMMARY:

This bill makes changes in various hunting, fishing, and trapping laws. It:

1. lowers, from 17 to 16, the age requirement for obtaining a fishing license;
2. changes certain hunting and fishing license fees, including reducing fees for 2013 by 50% for minors who are state residents;
3. authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to designate two days each year when a one-day sport fishing license may be issued for free;
4. requires hunting and trapping courses to include free hands-on training; and
5. defines the term "snare" for purposes of existing laws.

The bill establishes a nine-member task force to study how to improve the state's conservation functions currently located in DEEP and the Department of Agriculture (DoAG). The task force must report its findings and recommendations to the Environment Committee by December 1, 2012.

The bill also allows a court or state prosecutor, when deciding how to dispose of a case or whether to dismiss charges, respectively, to

consider whether the alleged violator made a charitable contribution to the habitat restoration subaccount. The cases must involve alleged violations of the hunting and inland and marine waters fishing laws. The DEEP commissioner must use the money for specified purposes.

*House Amendment "A" replaces a task force for studying whether to move DEEP's conservation functions to DoAG with one that must study how to improve the state's conservation functions. It also adds the provisions about charitable contributions to the habitat restoration subaccount.

EFFECTIVE DATE: Various, see below.

§ 1 – SIXTEEN-YEAR-OLDS NEED FISHING LICENSE

The bill requires people age 16 and older, instead of 17 and older, to obtain a license to fish.

EFFECTIVE DATE: January 1, 2013

§ 2 – HUNTING AND FISHING LICENSE FEES

The bill increases one resident combination hunting and fishing license fee and reduces two resident supersport combination license fees, as shown in Table 1.

Table 1: Resident Sportsman's License Fees

<i>License</i>	<i>Current Law</i>	<i>The Bill</i>
Combination (all-waters fishing and firearms hunting)	\$38	\$40
Firearms supersport (all-waters fishing, firearms hunting, deer on private land with shotgun or rifle, and wild turkey in spring on private land)	80	70
Firearms supersport (all-waters fishing, firearms hunting, migratory bird)	60	50

conservation stamp, and migratory bird harvest permit)		
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The bill also reduces the 2013 license fees for any hunting or fishing license issued to a resident age 16 or 17 by 50%, rounded to the next highest dollar (see § 5 for related changes).

By law, the DEEP commissioner must designate one day each year when no license is required for sport fishing. The bill authorizes him to designate up to two additional days each year when a one-day sport fishing license may be issued for free. The free license must be issued, at his discretion, to all members of the public or to certain age groups.

EFFECTIVE DATE: January 1, 2013

§ 3 – HUNTING AND TRAPPING COURSES

The law requires the DEEP commissioner to develop and offer firearms hunting, archery hunting, and trapping instructional courses. He may designate any competent person or organization to give such instruction. The bill requires that the instruction include hands-on training in the handling of firearms or archery equipment.

Current law allows a person or organization providing instruction in trapping to charge a reasonable fee, but specifies that no fee will be charged for instruction in firearms or archery hunting. The bill instead requires that any hands-on training must be provided free to an applicant for a hunting or trapping license. But for any portion of the instruction that is not hands-on training, the applicant may choose either a (1) fee-based Internet instruction course the commissioner approves or (2) free instruction course from a person or organization the commissioner authorizes.

EFFECTIVE DATE: January 1, 2013

§ 4 – DEFINITION OF SNARE

The bill defines the term “snare” to mean a device, often consisting

of a noose, used to kill or injure animals by entanglement, strangulation, or decapitation. The term is used throughout the hunting and trapping laws and the use of snares is prohibited in several sections (e.g., CGS §§ 26-72, 26-82, and 26-91). The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 5 – HUNTING, TRAPPING, AND FISHING FEES FOR MINORS

For 2013, the bill reduces any fee for hunting, trapping, or fishing permit, tag, or stamp for any resident who is under age 18 by 50% of the usual fee, rounded to the next highest dollar.

EFFECTIVE DATE: October 1, 2012

§ 6 – CONSERVATION FUNCTIONS TASK FORCE

The bill establishes a nine-member task force to review, analyze, and recommend proposals to improve programmatic efficiencies and avoid duplication and overlap of authority in DEEP's outdoor resources and natural resources bureaus and DoAG. The task force must report its findings and recommendations to the Environment Committee by December 1, 2012. The task force terminates when it submits its report or on December 1, 2012, whichever is later.

The task force's review must identify ways to improve the state's conservation functions. It must (1) develop a comparative analysis of reorganization proposals and a cost-benefit analysis for each proposal and (2) evaluate best practices in managing the state's environmental conservation and quality responsibilities. The task force must consider public input solicited through public hearings or written testimony.

The task force consists of (1) the DEEP and DoAG commissioners and the Office of Policy and Management (OPM) secretary, or their designees, and (2) six appointed members, as shown in Table 2. Appointments must be made within 30 days after the bill's effective date. A vacancy must be filled by the appointing authority.

Table 2: Conservation Functions Task Force Appointees

<i>Appointing Authority</i>	<i>Organization Appointee Represents</i>
Governor	Agriculture
Governor	Wildlife
Senate president pro tempore	Farmland and land conservation
House speaker	Forest and parks conservation
Senate minority leader	Aquaculture
House minority leader	Hunting or fishing

The OPM secretary or his designee is the task force chairperson and must hold the first meeting within 60 days of the bill's effective date. OPM's administrative staff serves as the task force's administrative staff. The task force is located in the executive branch for administrative purposes.

EFFECTIVE DATE: Upon passage

§§ 501 - 503 – CHARITABLE CONTRIBUTIONS TO HABITAT RESTORATION

The bill allows a court or state prosecutor, when deciding how to dispose of a case or whether to dismiss charges, respectively, to consider whether the alleged violator made a charitable contribution to the habitat restoration subaccount within the Long Island Sound account. The cases must involve alleged violations of the hunting and inland and marine waters fishing laws.

Under the bill, defendants must make contributions to the DEEP commissioner, who must immediately transfer them to the treasurer for deposit in the habitat restoration subaccount.

The bill expands the purposes for which the DEEP commissioner

may spend the habitat restoration subaccount money (1) for grants to the Turn-in-Poachers (TIP) nonprofit organization and (2) to staff DEEP's toll-free hotline that people call with information about poaching and other fish and game law violations. It specifically requires him to use charitable contributions from violators of hunting and inland waters fishing laws for these purposes. Also, he must use contributions from violators of marine waters fishing laws to provide support to lobster fishermen adversely affected by any regulatory action taken to rebuild the Long Island Sound lobster population.

EFFECTIVE DATE: July 1, 2012, except the provision allowing the DEEP commissioner to use habitat restoration subaccount money for the TIP program is effective upon passage.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/23/2012)